

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

LIFENET, INC.,

Plaintiff,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES, *et al.*,

Defendants.

No. 6:22-cv-00162-JDK

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

The Defendants have noted that they are preparing a final rule that will address the arbitration process under the No Surprises Act both for air ambulance and non-air ambulance providers, and that they anticipate that the final rule will be issued in the coming weeks. *See* Defs.' Cross-Mot. for S.J. or, in the Alternative, for Jurisdictional Discovery at 12, ECF No. 31; Defs.' Reply Mem. in Support of Their Cross-Mot. for S.J. or, in the Alternative, for Jurisdictional Discovery at 1, ECF No. 36.

The Defendants respectfully inform the Court that, on June 15, 2022, they transmitted a draft of this final rule to the Office of Information and Regulatory Affairs ("OIRA") of the Office of Management and Budget. *See* OIRA, *List of Regulatory Actions Currently Under Review*, <https://www.reginfo.gov/public/do/eoDetails?rrid=250613>.

Dated: June 17, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

BRIT FEATHERSTON
United States Attorney

JAMES GILLINGHAM
Assistant U.S. Attorney
Eastern District of Texas
110 N. College Street; Suite 700
Tyler, Texas 75702
E-mail: James.Gillingham@usdoj.gov
Phone: (903) 590-1400
Fax: (903) 590-1436
Texas State Bar # 24065295

SEAN C. DAY
Special Assistant United States Attorney
Eastern District of Texas
101 E. Park Blvd., Suite 500
Plano, Texas 75074
Phone: (202) 934-4060
Fax: (972) 590-1209
D.C. Bar No. 502363

ERIC B. BECKENHAUER
Assistant Branch Director

/s/ Joel McElvain
JOEL McELVAIN
Senior Trial Counsel
D.C. Bar No. 448431
ANNA DEFFEBACH
Trial Attorney
D.C. Bar No. 241346
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
Phone: (202) 616-8278
Fax: (202) 616-8470
E-mail: joel.l.mcelvain@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify on this 17th day of June, 2022, a true and correct copy of this document was served electronically by the Court's CM/ECF system to all counsel of record.

/s/ Joel McElvain
JOEL McELVAIN